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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,474	02/05/2001	Akiyoshi Yamashita	MAT-8048US	5500

7590

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EXAMINER

ENCARNACION, YAMIR

ART UNIT

PAPER NUMBER

2186

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/700,474

Applicant(s)

YAMASHITA, AKIYOSHI

Examiner

Yamir Encarnacion

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2186

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over *White*'98 (White, R. Re: HELP: SyJet and Drive letter Assignment Problem. [Online] news://alt.syquest, October 6, 1998) by itself, or in the alternative, in view of the SyJet drivers (SyquestRepair.com - Driver for Windows 95 & 98 [Online] <http://www.syquestrepair.com/driver.html>).

Claimed	<i>White</i> '98
1. A method of creating partitions in a removable device, said method being characterized by:	<i>White</i> '98 deals with drive letter assignment for a removable drive.

Art Unit: 2186

<p>communicating between an operating system and a device driver in a computer system capable of connecting with a removable device; and</p>	<p>While not explicitly explained, a person of ordinary skill in the art would have realized that the Operating System (OS) referred in <i>White</i>'98 was of the "Windows" variety owned by Microsoft Corporation (the examiner notes the reference to a "Device Manager," the instructions "Start Settings Control Panel System" with the notion that the "Start" is button is characteristic of at least "Windows" 95 and 98; and the reference to a "Windows Key.") In at least Windows 95 and 98 the OS communicates with "device drivers." Also, the SyJet mentioned in <i>White</i>'98 and the cartridges that were used with the SyJet were removable devices.</p> <p>In the alternative, the examiner notes the Windows 95 and 98 drivers for the drive mentioned in <i>White</i>'98 available from http://www.syquestrepair.com/driver.html</p>
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Art Unit: 2186

allocating drive letters in number equal to a number of plural drives to a single unit of said removable device, when said device driver allocates drive letters to said operating system.	<i>White</i> '98 discusses reserving (that is, "allocating") multiple drive letters for a single cartridge. According to <i>White</i> '98, "[i]f you insert a cartridge with one partition [into the SyJet after having reserved the letter range S: to U:], it will be [assigned the letter] S:; [a 2-partition cartridge will be [assigned the letters] S: and T:."
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As to claim 4, in *White*'98 the letters S: thru U: were, as far as the examiner can tell, arbitrary characters chosen by the operator. That is to say, the letters appear to have been chosen based on the preference of the operator rather than by necessity.

As to claim 5, the examiner takes "Official notice" that the program fdisk was generally used for the purpose of creating disk partitions in the environment described by *White*'98.

3. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over *White*'98 (White, R. Re: HELP: SyJet and Drive letter Assignment Problem. [Online] news://alt.syquest, October 6, 1998) by itself, or in the alternative, in view of SyJet drivers (SyquestRepair.com -- Driver for Windows 95 & 98 [Online] <http://www.syquestrepair.com/driver.html>) as applied to claim 1 above, and further in view of *Bruss* (Bruss, M. Re: how many partitions can fat16 handle? [Online] news://comp.os.ms-windows.win95.misc, January 12, 1998).

Art Unit: 2186

As to claim 2, *White*'98 does not mention the maximum number of partitions supported. Also, *White*'98 does not explicitly suggest of allocating drive letters equal to a maximum number of partitions supported by an operating system.

Bruce discloses that the maximum number of DOS-type partitions one can have on a hard drive is 24. In light of *Bruce*, a person of ordinary skill in the art would have found it obvious to partition the removable media described by *White*'98 into 24 partitions for the purpose of achieving high efficiency in space utilization. Those of ordinary skill in the art would have further realized that removable media partitioned into 24 partitions would have required and allocation of 24 letters for the purpose of working appropriately.

As to claim 3, the portion in *White*'98 stating that a "2-partition cartridge will be S: and T:; the U: might never get used, but it is reserved, just in case" renders the limitation reciting "a number of drive letters derived by subtracting a number of partitions on a medium within said removable device from the number of said drive letters is recognized as being in absence of any medium" unpatentable.

Conclusion

Any inquiry concerning this or an earlier communication from the Examiner should be directed to Yamir Encarnacion by phone at (703) 308-5466.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached on (703) 305-3821.

Art Unit: 2186


Any formal response to this action intended for entry should be mailed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 or faxed to (703) 746-7239 and labeled "FORMAL" or "OFFICIAL." Any informal or draft communication should be faxed to (703) 746-7240 and labeled "INFORMAL" or "UNOFFICIAL" or "DRAFT" or "PROPOSED" and followed by a phone call to the Examiner at the above number. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

YEE

Yamir Encarnacion

Patent Examiner

February 20, 2003


MATTHEW KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100